

**STATUS OF LAWSUITS
AGAINST THE STATE OF MICHIGAN
FY 1999-2000 UPDATE**



SENATE FISCAL AGENCY
LANSING, MICHIGAN
JANUARY 2001

THE SENATE FISCAL AGENCY

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The purpose of the Agency, as defined by statute, is to be of service to the Senate Appropriations Committee and other members of the Senate. In accordance with this charge the Agency strives to achieve the following objectives:

1. To provide technical, analytical, and preparatory support for all appropriations bills.
2. To provide written analyses of all Senate bills, House bills and Administrative Rules considered by the Senate.
3. To review and evaluate proposed and existing State programs and services.
4. To provide economic and revenue analysis and forecasting.
5. To review and evaluate the impact of Federal budget decisions on the State.
6. To review and evaluate State issuance of long-term and short-term debt.
7. To review and evaluate the State's compliance with constitutional and statutory fiscal requirements.
8. To prepare special reports on fiscal issues as they arise and at the request of members of the Senate.

The Agency is located on the 8th floor of the Victor Office Center. The Agency is an equal opportunity employer and is subject to the Americans with Disabilities Act.



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ACKNOWLEDGMENTS

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OVERVIEW

The information in this document is based on reports filed by State departments and agencies pursuant to Section 396(3) of The Management and Budget Act (Public Act 431 of 1984). Based on the amounts reported, the State of Michigan paid \$40,535,398 for judgments and settlements in fiscal year (FY) 1999-2000. Of the 125 cases that resulted in payments, 30 were judgments totaling \$8,031,551, and 95 were settlements totaling \$32,503,847. Payments in FY 1999-2000 exceeded the \$12,684,878 paid in FY 1998-99 by \$27,850,520 (219.6%). A majority of the increase can be attributed to the \$16,225,000 payment in U.S. v State of Michigan (consent decree resulting from fishing rights of Native Americans pursuant to 1836 Treaty), a \$7,971,833 increase in Michigan Department of Transportation payments, and a \$3,684,989 increase in Department of Corrections payments.

The funding sources for payments in FY 1999-2000 were as follows:

Funding Source	Amount	Percent
State General Fund	\$24,062,427	59.4
State Trunkline Fund	13,046,755	32.2
Other State Restricted Funds	1,797,957	4.4
State School Aid Fund	1,628,259	4.0
Total:	\$40,535,398	100.0

Tables on pages 3, 4, and 5 provide a 10-year history (FY 1990-91 through FY 1999-2000) of payments made by the State of Michigan. Table 1 provides information on total payments (judgments and settlements), Table 2 lists payments resulting from judgments only, and Table 3 lists settlements. A summary of departments that made payments totaling over \$1,000,000 begins on page 6. The FY 1999-2000 reports submitted by State departments and agencies follow beginning on page 9. For each payment the name of the case is listed along with information regarding the funding source, the county where the cause of action arose, and a brief description of the plaintiff's allegation (summary of case). This report does not include payments resulting from workers' compensation and unemployment claims. Also, Table 5 on page 9 shows a history of payments from the State's Risk Management Fund for automotive liability; payments from the Fund are not included elsewhere in the report.

Table 1

TOTAL COURT JUDGMENTS AND SETTLEMENTS PAID BY THE STATE										
(Actual Dollars)										
DEPARTMENT	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000
Agriculture	\$0	\$0	\$30,895	\$75,800	\$34,000	\$100,500	\$224,710	\$10,000	\$0	\$133,058
Attorney General	0	0	0	0	0	0	0	0	0	0
Career Development									0	0
Civil Rights	0	0	0	0	757	0	0	0	0	0
Civil Service	0	130,775	0	0	0	0	30,000	0	0	0
Commerce	0	14,000	0	7,000	231,467					
Community Health						727,838	908,000	2,131,565	659,922	149,088
Consumer & Industry						0	21,595	153,928	178,460	19,459
Services										
Corrections	3,184,181	1,145,294	1,859,508	3,554,111	4,969,224	2,581,259	4,639,321	3,227,817	1,780,090	5,465,079
Education	4,092,833	4,711,540	4,718,571	5,629,103	5,333,941	5,331,636	1,878,837	213,832,688	1,705,551	1,628,259
Environmental Quality						358,459	98,870	2,566	10,998	1,516,756
Executive	0	0	0	0	0	0	0	0	0	0
Family Independence						511,587	1,399,850	2,115,076	320,938	107,311
Agency										
Judiciary	424,000	0	0	248,332	268,250	45,000	724,000	0	10,000	0
Labor	1,204,071	12,347	16,300	306,700	0					
Library of Michigan	0	0	0	1,109,312	0	0	0	0	0	0
Licensing & Regulation	0									
Lottery	0	0	0	55,721	4,000	0	13,420	13,581	17,565	1,500
Management & Budget	494,777	38,500	21,000	113,863	85,000	126,170	106,000	5,500	75,000	22,500
Mental Health	380,095	389,468	2,140,651	379,850	515,500					
Michigan Jobs					1,951,024	3,500	156,239	23,681		
Commission										
Michigan Strategic Fund									0	0
Military Affairs	0	0	0	0	0	25,000	225,000	2,405,000	90,000	0
Natural Resources	304,035	108,642	310,338	6,951,821	2,005,360	93,859,495	3,442,198	2,906,895	1,872,915	17,787,910
Public Health	0	81,586	687,240	38,365	318,959					
Social Services	3,670,848	4,010,689	1,095,341	274,776	2,727,681					
State	81,818	0	0	77,500	3,400	67,500	7,500	1,817	101,460	36,400
State Police	101,169	91,310	5,698,133	137,850	1,268,771	1,220,853	873,069	868,141	787,057	513,664
Transportation	22,784,855	12,861,671	20,922,840	12,871,557	9,882,412	9,567,095	11,080,416	8,383,808	5,074,922	13,046,755
Treasury	0	122,000	0	968,328	7,500	0	65,669	11,500	0	107,659
TOTAL:	\$36,722,682	\$23,717,822	\$37,500,817	\$32,799,989	\$29,607,246	\$114,525,892	\$25,894,694	\$236,093,563	\$12,684,878	\$40,535,398

Table 2

COURT JUDGMENTS PAID BY THE STATE

(Actual Dollars)

DEPARTMENT	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000
Agriculture	\$0	0	\$30,895	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Attorney General	0	0	0	0	0	0	0	0	0	0
Career Development									0	0
Civil Rights	0	0	0	0	757	0	0	0	0	0
Civil Service	0	50,000	0	0	0	0	0	0	0	0
Commerce	0	0	0	0	0					
Community Health						50,000	136,000	0	310,422	21,633
Consumer & Industry						0	15,000	100,000	160,000	0
Services										
Corrections	2,325,847	815,634	1,224,624	2,589,407	3,784,529	1,472,162	2,905,509	1,165,825	627,851	428,729
Education	4,071,961	4,650,249	4,718,571	5,629,103	5,333,941	5,331,636	1,297,349	213,823,188	1,684,540	1,628,259
Environmental Quality						239,459	0	2,566	10,998	1,516,756
Executive	0	0	0	0	0	0	0	0	0	0
Family Independence						0	1,066	3,310	0	764
Agency										
Judiciary	0	0	0	0	0	0	0	0	0	0
Labor	1,737	0	0	251,700	0					
Library of Michigan	0	0	0	1,109,312	0	0	0	0	0	0
Licensing & Regulation										
Lottery	0	0	0	0	0	0	0	0	0	0
Management & Budget	1,500	0	0	113,863	45,000	120,000	0	0	0	22,500
Mental Health	244,570	22,500	87,500	0	0					
Michigan Jobs					0	3,500	0	0		
Commission										
Michigan Strategic Fund									0	0
Military Affairs	0	0	0	0	0	0	5,000	2,400,000	0	0
Natural Resources	276,335	82,526	0	192,870	242,834	201,811	901,193	2,901,395	409,888	1,537,910
Public Health	0	80,336	0	38,365	60,289					
Social Services	2,767,641	2,900,000	29,223	1,520	2,137					
State	63,818	0	0	2,500	0	0	0	0	0	0
State Police	3,728	71,810	5,125,633	9,650	762,500	0	3,569	0	0	0
Transportation	12,036,801	6,018,686	11,290,468	5,107,256	1,871,956	661,000	1,331,974	0	0	2,875,000
Treasury	0	122,000	0	8,328	0	0	15,669	0	0	0
TOTAL:	\$21,793,938	\$14,813,741	\$22,506,914	\$15,053,874	\$12,103,943	\$8,079,568	\$6,612,329	\$220,396,284	\$3,203,699	\$8,031,551

Table 3

SETTLEMENTS PAID BY THE STATE

(Actual Dollars)

DEPARTMENT	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000
Agriculture	\$0	\$0	\$0	\$75,800	\$34,000	\$100,500	\$224,710	\$10,000	\$0	\$133,058
Attorney General	0	0	0	0	0	0	0	0	0	0
Career Development									0	0
Civil Rights	0	0	0	0	0	0	0	0	0	0
Civil Service	0	80,775	0	0	0	0	30,000	0	0	0
Commerce	0	14,000	0	7,000	231,467					
Community Health						677,838	772,000	2,131,565	349,500	127,455
Consumer & Industry						0	6,595	53,928	18,460	19,459
Services										
Corrections	858,334	329,660	634,884	964,704	1,184,695	1,109,097	1,733,812	2,061,992	1,152,239	5,036,350
Education	20,872	61,291	0	0	0	0	581,488	9,500	21,011	0
Environmental Quality						119,000	98,870	0	0	0
Executive	0	0	0	0	0	0	0	0	0	0
Family Independence						511,587	1,398,784	2,111,766	320,938	106,547
Agency										
Judiciary	424,000	0		248,332	268,250	45,000	724,000	0	10,000	0
Labor	1,202,334	12,347	16,300	55,000	0					
Library of Michigan	0	0	0	0	0	0	0	0	0	0
Licensing & Regulation										
Lottery	0	0	0	55,721	4,000	0	13,420	13,581	17,565	1,500
Management & Budget	493,277	38,500	21,000	0	40,000	6,170	106,000	5,500	75,000	0
Mental Health	135,525	366,968	2,053,151	379,850	515,500					
Michigan Jobs					1,951,024	0	156,239	23,681		
Commission										
Michigan Strategic Fund									0	0
Military Affairs	0	0	0	0	0	25,000	220,000	5,000	90,000	0
Natural Resources	27,700	26,116	310,338	6,758,951	1,762,526	93,657,684	2,541,005	5,500	1,463,027	16,250,000
Public Health	0	1,250	687,240	0	258,670					
Social Services	903,207	1,110,689	1,066,118	273,256	2,725,544					
State	18,000	0	0	75,000	3,400	67,500	7,500	1,817	101,460	36,400
State Police	97,441	19,500	572,500	128,200	506,271	1,220,853	869,500	868,141	787,057	513,664
Transportation	10,748,054	6,842,985	9,632,372	7,764,301	8,010,456	8,906,095	9,748,442	8,383,808	5,074,922	10,171,755
Treasury	0	0	0	960,000	7,500	0	50,000	11,500	0	107,659
TOTAL:	\$14,928,744	\$8,904,081	\$14,993,903	\$17,746,115	\$17,503,303	\$106,446,324	\$19,282,365	\$15,697,279	\$9,481,179	\$32,503,847

PAYMENTS BY DEPARTMENTS

Five State departments made payments totaling over \$1,000,000. Table 4 summarizes the number of cases and payments by department.

Table 4

FY 1999-2000 PAYMENTS BY DEPARTMENT				
DEPARTMENT	NUMBER OF CASES	PERCENT OF TOTAL	STATE PAYMENTS	PERCENT OF TOTAL
CORRECTIONS	35	28.0	\$5,465,079	13.5
EDUCATION	1	0.8	1,628,259	4.0
ENVIRONMENTAL QUALITY	3	2.4	1,516,756	3.7
NATURAL RESOURCES	10	8.0	17,787,910	43.9
TRANSPORTATION	39	31.2	13,046,755	32.2
OTHER DEPARTMENTS	37	29.6	1,090,639	2.7
TOTAL:	125	100.0	\$40,535,398	100.0

DEPARTMENT OF CORRECTIONS

The Department of Corrections made payments in 35 cases totaling \$5,465,079. This represents an increase of \$3,684,989 (207.0%) from the \$1,780,090 paid in FY 1998-99 for 40 cases. One case involving failure to protect a prisoner, Nunn v MDOC, accounted for \$3,787,000 (69.3%) of the total payments made by the Department of Corrections. The lowest payment was \$35. The median payment was \$15,000. There were 10 cases listing employee discrimination as the cause of action that accounted for payments totaling \$682,000.

DEPARTMENT OF EDUCATION

The \$1,628,259 payment by the Department of Education represents continuing payments in the Berry v Benton Harbor Area School District desegregation case. State payments in that case have totaled \$59,918,717 from FY 1980-81 through FY 1999-2000. The Defendants in the case included the Benton Harbor Area School District, the Coloma School District, the Eau Claire School District, the Berrien County Intermediate School District, the State Board of Education, and the State Superintendent of Public Instruction. The United States District Court for the Western District of Michigan, Southern Division, directed the State of Michigan to pay certain expenses related to the court's desegregation remedy plan detailed in the court's order dated May 1, 1981. Most of the payments related to maintenance funding to school districts for students who elected to transfer to another school district and transportation costs. Settlements reached with the Eau Claire School District and Coloma School District modified the State's school aid funding

obligations to those school districts beginning with FY 1995-96 and in subsequent fiscal years. No settlement has been reached with the Benton Harbor Area School District.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Fiscal year 1999-2000 payments by the Department of Environmental Quality in three cases totaled \$1,516,756 compared with the \$10,998 paid for two cases in FY 1998-99. One case involving indemnification by the State of a liable party at a Superfund site, Cordova Chemical Company v State of Michigan, accounted for \$1,500,000 (98.9%) of total payments by the Department.

DEPARTMENT OF NATURAL RESOURCES

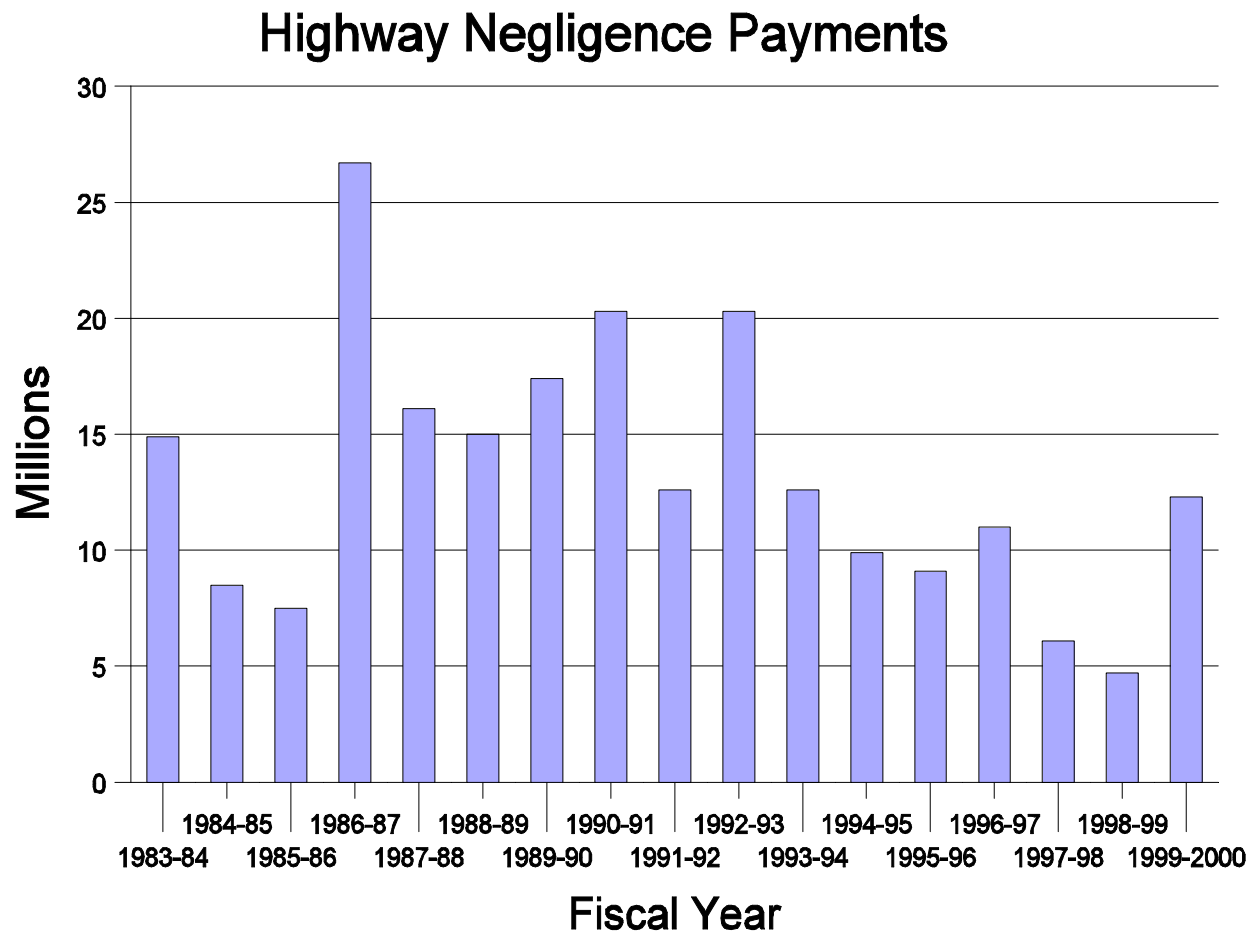
Payments by the Department of Natural Resources in 10 cases totaled \$17,787,910, representing an increase of 849.7% from the \$1,872,915 paid in FY 1998-99 for 13 cases. The consent decree in U.S. v State of Michigan, which involved Native American fishing rights pursuant to an 1836 Treaty, accounted for \$16,225,000 (91.2%) of total payments by the Department. The consent decree, in addition, provided for \$8,250,000 from the United States Department of Interior. The remaining payments for lawsuits by the Department of Natural Resources ranged from \$1,000 in GE Capital v State of Michigan to \$1,388,098 for a motor vehicle fatality in Chase v MDNR. There was a payment of \$1,253,672 for the Chase litigation in FY 1998-99. Seven cases resulted in payments of \$20,000 or less.

DEPARTMENT OF TRANSPORTATION

Department of Transportation payments in 39 cases totaled \$13,046,755, representing an increase of \$7,971,833 (157.1%) from the \$5,074,922 paid in FY 1998-99 for 37 cases. Payments ranged from \$500 for alleged unsafe all-way yellow flashers in Bonomo v MDOT to \$2,875,000 in Meek v MDOT for alleged failure to properly sign and design and failure to provide adequate traffic control devices for a curving freeway ramp. Thirty-four highway negligence cases accounted for \$12,336,500 (94.6%) of Department of Transportation payments. Eight highway negligence cases with payments exceeding \$400,000 accounted for \$10,331,000 (83.7%) of highway negligence payments in FY 1999-2000. The median highway negligence payment was \$97,500.

From FY 1983-84 through FY 1999-2000 the State has paid \$225 million resulting from 1,087 highway negligence cases. Figure 1 below shows highway negligence payments attributed to each fiscal year.

Figure 1



RISK MANAGEMENT FUND

The Risk Management Fund was administratively established to account for specific centralized risk management functions performed by the Department of Management and Budget for all State agencies. Effective July 1, 1992, the State became self-insured for automotive liability claims. Motor transport charges to State departments and agencies include a cost associated with projected automotive liability. This amount is deposited in the State's Risk Management Fund. Automotive liability payments that do not exceed \$1,000,000 are paid from the Fund. [Table 5](#) provides a history of payments from the Fund. Amounts are reported based on the fiscal year in which the payment was made, and therefore do not necessarily reflect the year in which the liability occurred.

Table 5

RISK MANAGEMENT FUND AUTOMOTIVE LIABILITY PAYMENTS	
FY 1991-92	\$28,318
FY 1992-83	\$138,194
FY 1993-94	\$435,862
FY 1994-95	\$1,135,659
FY 1995-96	\$1,977,178
FY 1996-97	\$1,743,580
FY 1997-98	\$1,223,622
FY 1998-99	\$3,985,189
FY 1999-2000	\$775,972

FISCAL YEAR 1999-2000

DEPARTMENT: Agriculture

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Josalene Taylor and Wendy Givens v State of Michigan, Department of Agriculture	\$133,058.13	\$0	General Fund	Wayne	Settlement of labor relations case.
FY 1999-2000 TOTAL:	\$133,058.13	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Community Health

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT	INTEREST	FUNDING	LOCATION	SUMMARY OF CASE
	PAID		SOURCE		
Bunker v Haveman	\$11,000.00	\$0	General Fund	Saginaw	Costs and attorney fees awarded.
Poppler v Department of Community Health	\$2,639.56	\$0	General Fund	Eaton	Appeal of denial of home help services to the petitioner.
Detroit Free Press, Inc., v Department of Community Health, et al	\$7,993.60	\$0	General Fund	Wayne	Freedom of Information Act case. Attorney fees and costs ordered.

FY 1999-2000 TOTAL:

\$21,633.16

\$0

FISCAL YEAR 1999-2000

DEPARTMENT: Community Health

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
PCB Treatment, Inc. Sites Cashout Settlement Agreement USEPA Superfund Site	\$8,548.00	\$0	General Fund	Tuscola	Superfund cleanup of hazardous waste facilities in Kansas and Missouri. PCB contaminated oils at Caro Center in 1985.
Paholak v State of Michigan	\$11,000.00	\$0	General Fund	Washtenaw	Alleged sexually hostile work environment and violations of Worker's Compensation Act.
Moner v DMH, et al	\$61,500.00	\$0	General Fund	Wayne	Alleged violations of Family Medical Leave Act; wrongful termination.
Scerri v Harris-Shepard & SOM	\$12,000.00	\$0	General Fund	Wayne	Action brought alleging retaliation by personnel officer for filing workers' compensation claim.
Moran v Michigan DCH	\$7,407.30	\$0	General Fund	Washtenaw	Breach of contract in failing to finish paying resolution of employment discrimination claim.
Hopkins, Billy v SOM	\$27,000.00	\$0	General Fund	Wayne	Alleged violations of Elliott-Larsen Civil Rights Act.
FY 1999-2000 TOTAL:	\$127,455.30	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Consumer and Industry Services

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Walker and Salois v DCIS	\$1,500.00	\$0	Construction Code Fund	Ingham	Reporting of Inspection Data.
Federated Publications, Inc., d/b/a. The Lansing State Journal; and The Detroit Free Press, Inc. v DCIS	\$17,959.06	\$0	Liquor Purchase Revolving Fund	Ingham	Freedom of Information.
<hr/>					
FY 1999-2000 TOTAL:	\$19,459.06	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Corrections

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Bailey, Jerry v Jeff McCoy, et al	\$105.00	\$0	General Fund	Ionia	Harassment.
Burden-Odom, Claudette v Amy Collier	\$56,028.61	\$81.28	General Fund	Wayne	Visit-general. Visitor claimed they were restricted to noncontact visiting based on false misconduct charges.
Griffin	\$125.00	\$0	General Fund	Jackson	Petition for guardian.
Hebestreit, Charles v MDOC	\$150.00	\$0	General Fund	Chippewa	Petition for review.
Jacobs, Michael v Gary Houle	\$5,000.00	\$0	General Fund	Wayne	Use of force.
Keelean, Richard, et al v MDOC	\$359,199.10	\$53,634.72	General Fund	Ionia	Employee-other. Plumbers alleged the department failed to comply with State/Federal regulations concerning blood exposure.
Key, David v Warden Henry Grayson, et al	\$3,200.00	\$0	General Fund	Jackson	Programming-general. Sanction by the court for not providing copies of documents under discovery.
Parker, Scott v MDOC	\$120.00	\$0	General Fund	Saginaw	Petition for review.

FISCAL YEAR 1999-2000

DEPARTMENT: Corrections

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
People of the State of Michigan v Thomas E. Maier, et al	\$1,343.86	\$0	General Fund	Osceola	Miscellaneous. Facility was fined for failing to deliver a prisoner for court appearance.
Riley, Jimmie, v David Kurtz	\$1,153.09	\$150.99	General Fund	Lenawee	Harassment-general. Prisoner claiming harassment by the facility.
Sharp, David v Marion L. Walsh	\$1,100.00	\$0	General Fund	Wayne	Miscellaneous. MDOC was ordered to pay attorney fees after objecting to providing copies of personnel records in response to subpoena.
Simpson-Bey v MDOC	\$204.00	\$0	General Fund	Jackson	Petition for review.
Sweeney, John v Macomb County Probation Department	\$1,000.00	\$0	General Fund	Macomb	Freedom of Information.
FY 1999-2000 TOTAL:	\$428,728.66	\$53,866.99			

FISCAL YEAR 1999-2000

DEPARTMENT: Corrections

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Allen, Albert v MDOC	\$30,000.00	\$0	General Fund	Washtenaw	Employee discrimination.
Allen, Henry v MDOC	\$65,000.00	\$0	General Fund	Macomb	Employee discrimination.
Alvarez v MDOC	\$100.00	\$0	General Fund	Lapeer	Time computation.
Cain v MDOC	\$53,000.00	\$0	General Fund	Ingham	Prisoner property.
Case, Mary v MDOC, et al	\$15,000.00	\$0	General Fund	Jackson	Employee discrimination.
Cole, Ron v Director Kenneth McGinnis, et al	\$2,000.00	\$0	General Fund	Muskegon	Employee discrimination.
Franssen, Christine v MDOC	\$45,000.00	\$0	General Fund	Jackson	Employee discrimination.
Granholm, Jennifer Attorney General ex rel. MDEQ v A.M. Todd Company, et al	\$728.80	\$0	General Fund	Allegan	Failure to protect public.
Hamilton, Richard v MDOC, et al	\$20,000.00	\$0	General Fund	Ionia	Employee discrimination.
Harris, James v MDOC, et al	\$135,000.00	\$0	General Fund	Muskegon	Employee discrimination.
Hicks, Rodney v Dr. Zolton Campbell	\$93,239.92	\$0	General Fund	Washtenaw	Medical-general. Prisoner claimed negligent dental care.
Hunter Toya L.	\$200,000.00	\$0	General Fund	Macomb	Employee discrimination.
Jett, Tommie v MDOC	\$10,000.00	\$0	General Fund	Washtenaw	Employee discrimination.
Johnson, Howard Lynn v MDOC & Robert Barrett	\$35,000.00	\$0	General Fund	Jackson	Personal injury of a prisoner.

FISCAL YEAR 1999-2000

DEPARTMENT: Corrections

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Macklin, Kenneth v MDOC	\$30,000.00	\$0	General Fund	Wayne	Miscellaneous. Plaintiff was incarcerated as a parole violator and it was found that Plaintiff was not a parolee. Mistaken identity, right name, wrong person.
McCann, Trisha, et al v MDOC & MDOC, et al	\$135,000.00	\$0	General Fund	Genesee	Harassment.
Nelson, Robert F. v Lavern Sharp	\$35.00	\$0	General Fund	Manistee	Harassment & medical.
Nunn, Linda, et al v MDOC, et al	\$3,787,000.00	\$0	General Fund	Wayne	Failure to protect prisoner.
Pattison v MDOC, et al & Annae Austin, et al	\$195,000.00	\$0	General Fund	Wayne	Employee-other. Employee claimed sexual harassment and retaliation for reporting supervisor harassment.
Pinder, Lasheree v MDOC, et al	\$25,000.00	\$0	General Fund	Branch	Failure to protect.
Riddle, Timothy v Michael Holgren, et al	\$246.41	\$0	General Fund	Baraga	Harassment-general. Prisoner claimed staff retaliated against him through threats and false misconduct charges because prisoner filed a lawsuit.
Tiseo, Diane, et al v MDOC	\$160,000.00	\$0	General Fund	Washtenaw	Employee discrimination.
FY 1999-2000 TOTAL:	\$5,036,350.13	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Corrections

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
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FISCAL YEAR 1999-2000

DEPARTMENT: Education

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Berry v Benton Harbor	\$1,628,258.69	\$0	School Aid Fund	Berrien	School Desegregation.

FY 1999-2000 TOTAL:

\$1,628,258.69

\$0

FISCAL YEAR 1999-2000

DEPARTMENT: Environmental Quality

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Cordova Chemical Company, et al v State of Michigan, et al	\$1,500,000.00	\$0	Cleanup & Redevelopment Fund	Muskegon	Indemnification by the State of a liable party at a Superfund site.
Chalet du Paw Paw Condominium Association, et al v Michigan Department of Environmental Quality	\$3,756.00	\$0	Land & Water Permit Fund	Ingham	Part 301 jurisdictional issue.
Friends of the Crystal River v Michigan Department of Environmental Quality	\$13,000.00	\$0	Land & Water Permit Fund	Ingham	Attorney Fees involved in Freedom of Information Act issue.
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FY 1999-2000 TOTAL:	\$1,516,756.00	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Family Independence Agency

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
McQueen, Felicia, et al, in RE:	\$272.16	\$0	General Fund	Montcalm	Orders to show cause in 3 child welfare cases.
Schwartz, Daniel v FIA	\$492.00	\$0	General Fund	Gogebic	Appeal of administrative hearing decision.

FY 1999-2000 TOTAL: **\$764.16** **\$0**

FISCAL YEAR 1999-2000

DEPARTMENT: Family Independence Agency

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Walton, Ethan, et al v FIA	\$37,000.00	\$0	General Fund	Genesee	Class action complaint/Food Stamp case closure.
Nelson, Voiselle v FIA	\$10,000.00	\$0	General Fund	Livingston	A c c o m m o d a t i o n o f employee's handicap.
Cunningham, Rosemary v FIA	\$2,091.00	\$0	General Fund	Wayne	Appeal of administrative hearing decision.
Knaggs, Justin David v FIA	\$8,497.17	\$0	General Fund	Washtenaw	Appeal of administrative hearing decision.
Goforth, Kenneth d/b/a/ K.G.'s Floors and Janitorial v DMB & FIA	\$17,400.00	\$0	General Fund	Livingston	Contract dispute.
Smith, David Gordon v FIA	\$200.00	\$0	General Fund	Genesee	FOIA violation.
Vinson, James v FIA	\$31,358.57	\$0	General Fund	Livingston	Reverse discrimination/ employment suspension.
FY 1999-2000 TOTAL:	\$106,546.74	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Lottery

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
David Johnson v State of Michigan Bureau of State Lottery	\$1,500.00	\$0	State Lottery Fund	Macomb	Claim dispute.
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FY 1999-2000 TOTAL:	\$1,500.00	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Management and Budget

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Pamela J. Hartenburg v State of Michigan	\$22,500.00	\$0	State Sponsored Group Insurance	Ingham	Denial of dental insurance claim.

FY 1999-2000 TOTAL:

\$22,500.00

\$0

FISCAL YEAR 1999-2000

DEPARTMENT: Natural Resources

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Douglas v SOM, DNR	\$3,200.00	\$0	General Fund	Ingham	Freedom of Information Act.
Ken Strong, et al v MDNR	\$8,369.20	\$0	General Fund	Branch, Hillsdale, Lapeer, Newaygo, Oakland, Washtenaw	Lake levels.
Platte Lake Improvement Assoc.	\$127,115.76	\$0	Game & Fish Protection Fund	Benzie	Phosphorous levels at fisheries, Platte River hatchery.
Chase v MDNR	\$1,388,098.31	\$0	General Fund	Lake	Motor vehicle accident.
Ackley v DNR	\$10,092.11	\$0	Parks & Recreation	Oceana	Lake level 1999 winter taxes.
Ackley v DNR	\$1,034.84	\$0	Parks & Recreation	Oceana	Lake level 1999 winter taxes.
FY 1999-2000 TOTAL:	\$1,537,910.22	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Natural Resources

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
James LaPointe v MDNR	\$20,000.00	\$0	General Fund	Ingham	Fair Labor Standards Act.
Allstate Ins. Co. (R. Joiner) v SOM	\$4,000.00	\$0	Land Sale Fund	Wayne	Fire damage to adjacent structure.
GE Capital v SOM, DNR	\$1,000.00	\$0	Parks & Recreation	Lapeer	Home Depot charges.
U.S. v SOM	\$16,225,000.00	\$0	General Fund	Portions of Lake Michigan, Huron, & Superior	Implementation of 1836 Treaty fishing rights in portions of lakes.
FY 1999-2000 TOTAL:					
	\$16,250,000.00	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: State

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Donald W. Jones, Jr. v SOS	\$12,000.00	\$0	General Fund	Wayne	Driver license restoration case.
Mary Molloy v SOS	\$9,000.00	\$0	General Fund	Ingham	Wrongful termination of SOS employee.
Scott Brady Streeter v SOS	\$400.00	\$0	General Fund	Benzie	Driver license restoration case.
Tracy L. Taylor v SOS	\$15,000.00	\$0	General Fund	Kent	Case for emotional distress caused by SOS employee.

FY 1999-2000 TOTAL:	\$36,400.00	\$0
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FISCAL YEAR 1999-2000

DEPARTMENT: State Police

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Rock v Garvale	\$1,500.00	\$0	General Fund	Ingham	Defendant was in a boat on a lake when Plaintiff's son shouted obscenities in the general direction of the boat. Plaintiffs' claim that Defendant swam to shore, grabbed and violently shook their son.
Breedveld v MSP	\$125,000.00	\$0	General Fund	Oakland	Plaintiff, a white male employee, claims Defendants discriminated against him for promotion to sergeant due to his age, race, and gender.
Rebane v Beals	\$2,500.00	\$0	General Fund	Gogebic	Plaintiff was arrested for operating a motor vehicle without insurance, Michigan plates, or a Michigan operators license and claims Defendants did not have a valid warrant for his arrest.

FISCAL YEAR 1999-2000

DEPARTMENT: State Police

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Herendeen v MSP, et al	\$275,000.00	\$0	General Fund	Ingham	Plaintiff, a white male employee, claims the Defendants discriminated against him for promotions to sergeant based on age and race.
Barker, et al v Post, et al	\$19,664.00	\$0	General Fund	Ingham	Plaintiffs were terminated from cadet positions and claim their terminations were arbitrary and capricious and that MSP breached their employment contract.
Anuszkiewicz v MSP, et al	\$60,000.00	\$0	General Fund	Kent	Plaintiff, a dispatcher, claims during her employment with MSP she was subjected to unwelcomed sexual conduct, comments, and other conduct of a sexual nature.

FISCAL YEAR 1999-2000

DEPARTMENT: State Police

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Kain v Nesbitt	\$30,000.00	\$0	General Fund	St. Clair	Plaintiffs claim the Defendants illegally entered their home without permission and without warning or provocation, violently and forcefully assaulted and battered them without identifying themselves as police officers.
FY 1999-2000 TOTAL:	\$513,664.00	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Transportation - Highway Negligence Division

FORM 1: JUDGMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Meek v MDOT	\$2,875,000.00	\$0	State Trunkline Fund	Wayne	Failure to properly sign and design and failure to provide adequate traffic control devices for curving freeway ramp.
FY 1999-2000 TOTAL:	\$2,875,000.00	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Transportation - Highway Negligence Division

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Ashbrook v MDOT	\$150,000.00	\$0	State Trunkline Fund	Macomb	Lack of traffic control signal.
Blaim v MDOT	\$15,000.00	\$0	State Trunkline Fund	Wayne	Failure to maintain due to potholes.
Bobo v MDOT	\$4,500.00	\$0	State Trunkline Fund	Oakland	Failure to maintain due to potholes.
Bonomo v MDOT	\$500.00	\$0	State Trunkline Fund	Oakland	All-way yellow flashers unsafe.
Clark v MDOT	\$17,500.00	\$0	State Trunkline Fund	Mason	Failure to maintain due to potholes.
Dehart v MDOT	\$2,500.00	\$0	State Trunkline Fund	Wayne	Failure to maintain a malfunctioning signal and warn for.
Dempsey v MDOT	\$332,500.00	\$0	State Trunkline Fund	Midland	Failure to maintain due to improper slope and ruts causing water accumulation.
Franklin v MDOT	\$125,000.00	\$0	State Trunkline Fund	Oakland	Failure to maintain pavement surface due to cracks, crevices, etc.

FISCAL YEAR 1999-2000

DEPARTMENT: Transportation - Highway Negligence Division

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Hansknecht v MDOT	\$50,000.00	\$0	State Trunkline Fund	Montcalm	Inappropriate design causing water accumulation and failure to warn for.
Hochman v MDOT	\$475,000.00	\$0	State Trunkline Fund	Wayne	Failure to construct and maintain due to loosened concrete on overpass bridge.
Johnson, D. v MDOT	\$40,000.00	\$0	State Trunkline Fund	St. Clair	Failure to warn for blind curve and intersection.
Jung v MDOT	\$7,500.00	\$0	State Trunkline Fund	Genesee	Failure to maintain due to concrete on pavement.
Kalt v MDOT	\$15,000.00	\$0	State Trunkline Fund	Oakland	Slippery highway due to excessive crack sealant.
Kilander v MDOT	\$1,500,000.00	\$0	State Trunkline Fund	Wayne	Failure to repair and inspect for or discover pooling of water and provide adequate drainage for.
King v MDOT	\$7,500.00	\$0	State Trunkline Fund	Muskegon	Failure to maintain due to potholes.

FISCAL YEAR 1999-2000

DEPARTMENT: Transportation - Highway Negligence Division

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Kouza v MDOT	\$1,500.00	\$0	State Trunkline Fund	Wayne	Inoperative traffic signal in all directions.
Lawrence v MDOT	\$120,000.00	\$0	State Trunkline Fund	Bay	Inadequate sight distance due to tight diamond interchange.
Livingston County Concrete v MDOT	\$44,000.00	\$0	State Trunkline Fund	Livingston	Failure to maintain due to uneven pavement.
Maurer v MDOT	\$100,000.00	\$0	State Trunkline Fund	Delta	Inadequate intersection design and lack of median.
Mazander v MDOT	\$25,000.00	\$0	State Trunkline Fund	Ottawa	Failure to install turn lanes and traffic signal.
Moten v MDOT	\$838,500.00	\$0	State Trunkline Fund	Wayne	Failure to maintain and warn for loose manhole cover.
Nixon v MDOT	\$180,000.00	\$0	State Trunkline Fund	Gratiot	Lack of cross slope with rutting in the pavement resulting in water accumulation.
Olsen v MDOT	\$25,000.00	\$0	State Trunkline Fund	Marquette	Failure to warn of curve and sign for speed reduction.

FISCAL YEAR 1999-2000

DEPARTMENT: Transportation - Highway Negligence Division

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Roberts v MDOT	\$95,000.00	\$0	State Trunkline Fund	Kent	Failure to maintain due to potholes.
Roney v MDOT	\$2,300,000.00	\$0	State Trunkline Fund	Wayne	Failure to maintain drains which allowed standing water.
Saunders v MDOT	\$230,000.00	\$0	State Trunkline Fund	Genesee	Failure to properly sign, signal, and mark right turn lane.
Schmidt v MDOT	\$65,000.00	\$0	State Trunkline Fund	Bay	Failure to provide adequate sight distance and lack of traffic signal.
Stamper v MDOT	\$442,500.00	\$0	State Trunkline Fund	Washtenaw	Improper design, lighting and signing.
Taul v MDOT	\$200,000.00	\$0	State Trunkline Fund	Wexford	Improper drainage and defective surface construction.
Valvona v MDOT	\$475,000.00	\$0	State Trunkline Fund	Wayne	Failure to construct and maintain due to loosened concrete on overpass bridge.

FISCAL YEAR 1999-2000

DEPARTMENT: Transportation - Highway Negligence Division

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Webster v MDOT	\$22,500.00	\$0	State Trunkline Fund	Wayne	Failure to maintain due to potholes.
Wilson v MDOT	\$1,425,000.00	\$0	State Trunkline Fund	Midland	Failue to design proper slope and repair ruts resulting in water over highway.
Ziegler v MDOT	\$130,000.00	\$0	State Trunkline Fund	Livingston	Failure to repair and warn for pavement dropoff.
FY 1999-2000 TOTAL:	\$9,461,500.00	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Transportation - Transportation Division

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Champagne-Webber, Inc. v MDOT	\$495,000.00	\$0	State Trunkline Fund	Macomb	Contractor alleges MDOT failed to acquire right-of-way preventing timely construction resulting in a change in physical conditions; increased costs and deprived of incentive payments.
Bacco Construction v MDOT	\$9,500.00	\$0	State Trunkline Fund	Iron	Contractor alleges MDOT ordered placement of aggregate base and bituminous under adverse weather then penalized when due to freeze-thaw density was not met; breach of contract.
Hall Road Car Wash v MDOT	\$184,000.00	\$0	State Trunkline Fund	Macomb	Friendly lawsuit - MDOT agreed to pay for claim arising out of M-59 construction which blocked plaintiff's business.

FISCAL YEAR 1999-2000

DEPARTMENT: Transportation - Transportation Division

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
UTEA v MDOT	\$5,586.54	\$0	State Trunkline Fund	Ingham	A lawsuit to enforce an arbitration award to compel MDOT to pay union members for 306 hours of staking work alleging that the collective bargaining agreement required the members to do the work.
West Michigan Sales & Development, Inc. v State of Michigan	\$16,168.50	\$0	State Trunkline Fund	Kent	Developer alleges MDOT wrongfully rescinded its offer and failed to disclose a right of right refusal for Sun Communities.
FY 1999-2000 TOTAL:	\$710,255.04	\$0			

FISCAL YEAR 1999-2000

DEPARTMENT: Treasury

FORM 2: SETTLEMENTS PAID BY THE STATE

NAME OF CASE	AMOUNT PAID	INTEREST	FUNDING SOURCE	LOCATION	SUMMARY OF CASE
Clarke, Liken, Liken et al v State of Michigan, Department of Treasury, et al consolidated with Clarke, Liken et al v State Street Global et al	\$59,500.00	\$0	Deferred Compensation	Ingham	Deferred compensation II 401(k) rollover.
Donald L. Vanderwest v Michigan Department of Treasury	\$35,000.00	\$0	Delinquent Tax Collection Revenue	Ingham	Civil rights/discrimination.
Cheryl Warren v Michigan Department of Treasury and Fed Magdeleno	\$13,159.37	\$0	General Fund	Wayne	Civil rights/disability discrimination.
FY 1999-2000 TOTAL:	\$107,659.37	\$0			